

Application No. 10/813,056
Response to Office Action dated November 30, 2007

REMARKS

Claim 1 has been amended to more narrowly focus the claim on specific types of compounds set forth in Table 1 of the present application (pages 15-18).

Claims 2-4 have been canceled.

The remaining claims have been amended so that they comport with claim 1 as amended. New Claim 21 is supported by compounds F, G, and K of Table 1 at specification page 15ff.

Claims 1 and 5-20 are currently pending, although claims 8, 12-15 and 17 have been withdrawn from consideration. Upon indication of allowable subject matter, Applicants intend to seek rejoinder of withdrawn claims as appropriate.

The Office Action rejected claims 5-7, 9-11, 16, 18 and 19 under 35 U.S.C. §102 as anticipated by an article from Carbohydrate Research (“Wuff”), claim 1 under 35 U.S.C. §102 as anticipated by an article from J. Am. Chem. Soc. (“Kametani”), and claims 1, 3 and 4 under 35 U.S.C. §102 as anticipated by an article from J. Org. Chem. (“Bates”). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of these rejections.

Applicants respectfully submit that the amendment of claim 1 and cancellation of claims 3 and 4 render moot the rejections based upon Kametani and Bates. Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections.

Regarding the rejection based upon Wuff, Wuff neither teaches nor suggests the claimed compounds. In making the rejection based upon Wuff, the Office Action (at pages 10-11) assumed that intermediate 13 is the intermediate in the reaction to make compound

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11a. However, no evidence exists that this is the case. As explained at the bottom of page 85 in Wuff, the hydrolysis and acetylation of compound 7c unexpectedly led to the formation of imide compound 14. Wuff (at page 88) presumes that the intermediate 13 of the reaction involving compound 7c cyclised to form imide compound 14. Wuff also states (at page 85) that this reaction to form an imide differs from the reaction to produce compound 11a which is a diamide. Thus, Wuff teaches that intermediate compound 13 is the intermediate for producing compound 14, not compound 11a. Accordingly, the Office's assumption that intermediate compound 13 relates to compound 11c is incorrect.

Wuff neither teaches nor suggests the compounds in claim 1 for at least the reason that Wuff's compounds do not contain the required R1 group. Similarly, Wuff neither teaches nor suggests the compounds in claim 10 for at least the reason that Wuff's compounds do not contain the required R5 group.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §102.

The Office Action also rejected claims 1-5 under 35 U.S.C. §112, asserting that the claims are not enabled for their full scope, the claims do not satisfy the written description requirement, and the claims are indefinite. In view of the following comments, Applicants respectfully request reconsideration and withdrawal of these rejections.

The pending claims have been substantially narrowed to cover specific types of compounds identified in Table 1 of the present application. Applicants respectfully submit that this claim narrowing addresses the rejections under 35 U.S.C. §112. That is, Applicants respectfully submit that the current scope of claims satisfies the requirements under 35 U.S.C.

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§112, particularly in view of the disclosure in the present application including the examples at pages 15-18. That is, one skilled in the art would be able to make and use the narrowly claimed compounds without undue experimentation and, thus, would readily be able to practice and understand the claimed invention. This is all that §112 requires.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §112.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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